

REMARKS

Upon entry of the present amendment, claims 1-7 will remain pending in the above-identified application and stand ready for further action on the merits. Claim 2 has been amended.

In order to define more clearly the present invention, claim 2 has instantly been amended. Specifically, the definition on conditions for centrifugal dehydration has been inserted into claim 2. Support for this amendment is found at page 40, line 16 to page 41, line 7 of the present English specification. The present amendment to claim 2 does not introduce new matter into the application as originally filed.

Further, the Instant amendment does not require any further search on the Examiner's part and serves to simplify issues outstanding for purposes of appeal, so that entry thereof is entirely appropriate under the provisions of 37 CFR §1.116.

Rejection under 35 USC § 102(b) and 103(a)

In the outstanding Office Action dated February 14, 2007, the Examiner maintains (i) a rejection of claims 2 and 6-7 under 35 U.S.C. 102(b) as being anticipated by US Patent 5,616,652 (Kusano) and (ii) a rejection of claims 1 and 3-5 under 35 U.S.C. 102(b) as being anticipated by or, in the alternative, under 35 U.S.C. 103(a) as being obvious over **Kusano**.

Reconsideration and withdraw of each of the above rejections is respectfully requested based on the following considerations.

Specifically, in response to the Applicants' argument (November 22, 2006) that the preferred method of dehydration in Kusano is mechanical squeezing, the Examiner states:

- that the applicants' interpretation of the disclosure of the reference is impermissibly narrow and conveniently overlooks the entire disclosure of the reference and specific passages referred by the examiner,
- that Kusano expressly discloses the centrifugation as one of the two alternatives of techniques for dehydration step,
- that the genus of methods suitable for dehydration is so very small, that one would clearly envisage the dehydration step conducted by one of the two methods, namely centrifugation, even though this particular method is not disclosed as preferred, and
- that, further, since the method of claim 2 of the present application is disclosed in Kusano, the same results as described in the claims of the present application (including the oil absorbing capability recited in claim 1) should also be obtained in Kusano.

Traverse is made as follows:

As mentioned above, claim 2 of the present application has instantly been amended. Specifically, into instantly amended claim 2 has been introduced the centrifugal dehydration conditions suitable for obtaining the dried porous crumbs as recited in claim 1 of the present application.

As already mentioned in the Applicants' previous response, the dehydration of water-containing porous crumbs is generally conducted by a mechanical compression that has conventionally been the de facto standard method for dehydration of water-containing porous crumbs. Kusano also teaches that the preferred dehydration method is the mechanical squeezing (*see column 6, lines 56 to 59 of Kusano*). In these situations, the present inventors have for the

First time found that the methods, such as centrifugation, other than mechanical compression are suitable for obtaining dried porous crumbs which have not only a low water content but also an advantageously high oil-absorbing capability.

Further, instantly amended claim 2 specifies the centrifugal dehydration conditions suitable for obtaining dried porous crumbs that have not only a low water content but also an advantageously high oil-absorbing capability. Needless to say, the mere use of centrifugal dehydration does not always result in such excellent dried porous crumbs as mentioned above, but the centrifugal dehydration should be performed under appropriate conditions.

On the other hand, Kusano only mentions centrifugation as one of the alternatives of methods for dehydration of water-containing porous crumbs, however, only mechanical compression method is actually used in Kusano. Needless to say, Kusano has no description about specific conditions for the centrifugal dehydration. Since there has been no prior art that discloses conditions for centrifugation performed for dehydration of water-containing porous crumbs, the method defined in instantly amended claim 2 of the present application is neither anticipated nor obvious over the prior art.

Accordingly, the dried porous crumbs recited in claim 1 of the present application are also neither anticipated nor obvious over the prior art.

From the above, it is believed that both of the dried porous crumbs recited in claim 1 and the method recited in instantly amended claim 2 have patentability over the prior art.

Reconsideration and early favorable action are earnestly solicited.

CONCLUSION

Based upon the amendments and remarks presented herein, the Examiner is respectfully requested to issue a Notice of Allowance clearly indicating that each of pending claims 1-7 are allowed and patentable under the provisions of Title 35 of the United States Code.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John W. Bailey (Reg. No. 32,881) at the telephone number below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

By 

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